

ROBERT SMITH, JR.,)
)
Plaintiff,) Case No. C05-0280-JLR
)
v.)
)
JODI ROBIN,)
) ORDER DENYING PLAINTIFF'S
) MOTION FOR APPOINTMENT
Defendant.) OF COUNSEL
_____)

(1) Plaintiff's motion for appointment of counsel (Dkt. No. 15) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances

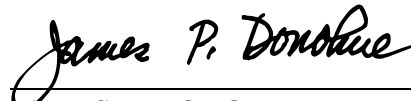
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1 requires an evaluation of both the likelihood of success on the merits and the ability of the
2 plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved.
3 *Wilborn*, 789 F.2d at 1331.

4 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in
5 light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.
6 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which
7 warrant appointment of counsel at the present time.

8 (2) The Clerk shall send copies of this Order to plaintiff and to the Honorable James
9 L. Robart.

10 DATED this 3rd day of August, 2005.

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13 JAMES P. DONOHUE
14 United States Magistrate Judge
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